

1 David Krieger, Esq.  
2 Nevada Bar No. 9086  
3 Shawn Miller, Esq.  
4 Nevada Bar No. 7825  
5 KRIEGER LAW GROUP, LLC  
6 2850 W. Horizon Ridge Parkway  
7 Suite 200  
8 Henderson, Nevada 89052  
9 Phone: (702) 848-3855  
10 Email: dkrieger@kriegerlawgroup.com  
11 Email: smiller@kriegerlawgroup.com

12 Attorney for Plaintiff  
13 **WILLIAM BERRY**

14  
15 **UNITED STATES DISTRICT COURT**  
16 **DISTRICT OF NEVADA**

---

17 WILLIAM BERRY, : Civil Action No.:  
18 v. Plaintiff, :  
19 EQUIFAX INFORMATION : **COMPLAINT FOR DAMAGES**  
20 SERVICES, LLC, : **PURSUANT TO THE FAIR**  
21 Defendant. : **CREDIT REPORTING ACT, 15**  
22 : **U.S.C. § 1681, ET SEQ.**  
23 : **JURY TRIAL DEMANDED**  
24 :  
25 :  
26 :  
27 :  
28 :

29 **INTRODUCTION**

30 1. The United States Congress has found the banking system is dependent upon  
31 fair and accurate credit reporting. Inaccurate credit reports directly impair the  
32 efficiency of the banking system, and unfair credit reporting methods  
33 undermine the public confidence, which is essential to the continued  
34 functioning of the banking system. Congress enacted the Fair Credit  
35

1 Reporting Act, 15 U.S.C. § 1681 *et seq.* (“FCRA”), to ensure fair and accurate  
2 reporting, promote efficiency in the banking system, and protect consumer  
3 privacy. The FCRA seeks to ensure consumer reporting agencies exercise  
4 their grave responsibilities with fairness, impartiality, and a respect for the  
5 consumer’s right to privacy because consumer reporting agencies have  
6 assumed such a vital role in assembling and evaluating consumer credit and  
7 other information on consumers. The FCRA also imposes duties on the  
8 sources that provide credit information to credit reporting agencies, called  
9 “furnishers.”

10  
11  
12 2. Through a tightly wound set of procedural protections, the FCRA protects  
13 consumers from the material risk of harms that otherwise flow from inaccurate  
14 reporting. Thus, through the FCRA, Congress struck a balance between the  
15 credit industry’s desire to base credit decisions on accurate information, and  
16 consumers’ substantive right to protection from damage to reputation, shame,  
17 mortification, and the emotional distress that naturally follows from  
18 inaccurate reporting of a consumer’s fidelity to his or her financial  
19 obligations.

20  
21  
22 3. WILLIAM BERRY (“Plaintiff”), by Plaintiff’s attorneys, brings this action  
23 against EQUIFAX INFORMATION SERVICES, LLC (“Equifax” or  
24  
25  
26  
27  
28 “Defendant”) for violations of the FCRA, as set forth below.

## **JURISDICTION AND VENUE**

4. This Court has federal question jurisdiction because this case arises out of violations of the FCRA. 15 U.S.C. § 1681 *et seq.*; 28 U.S.C. § 1331; *Smith v. Community Lending, Inc.*, 773 F.Supp.2d 941, 946 (D. Nev. 2011).

5. Venue is proper in the United States District Court for the District of Nevada pursuant to 28 U.S.C. § 1331 because Plaintiff is a resident of Clark County, Nevada and because Defendant is subject to personal jurisdiction in Clark County, Nevada; conducts business in Clark County, Nevada; the events giving rise to this action occurred in Clark County, Nevada; and Defendant is registered with the Nevada Secretary of State as a foreign limited liability company and has appointed a registered agent in Nevada.

## PARTIES

6. Plaintiff is a natural person residing in the County of Clark, State of Nevada. In addition, Plaintiff is a “consumer” as that term is defined by 15 U.S.C. § 1681a(c).

7. Equifax regularly assembles and/or evaluates consumer credit information for the purpose of furnishing consumer credit reports to third parties, and uses interstate commerce to prepare and/or furnish the reports. Equifax is a “consumer reporting agency” as that term is defined by 15 U.S.C. § 1681a(f), doing business with its principal place of business in Georgia.

1       8. Unless otherwise indicated, the use of Defendant's name in this Complaint  
2       includes all agents, employees, officers, members, directors, heirs, successors,  
3       assigns, principals, trustees, sureties, subrogees, representatives, and insurers  
4       of Defendant.

6       **Equifax Failed to Respond to Plaintiff's Written Dispute**

7       9. In an Equifax credit report dated July 25, 2020, Equifax reported inaccurate  
8       information regarding Plaintiff's credit history for multiple accounts.

10      10. On or about September 17, 2020, pursuant to 15 U.S.C. § 1681i(a)(2),  
11       Plaintiff disputed Equifax's reported information regarding misreported trade  
12       lines by notifying Equifax, in writing, of the incorrect and inaccurate credit  
13       information furnished by Equifax.

16      11. Specifically, Plaintiff mailed a written dispute, certified, return receipt, to  
17       Equifax ("Dispute Letter"), requesting disputed inaccurate and incorrect  
18       derogatory information be removed, corrected, or deleted.

20      12. Equifax was required to conduct an investigation into the disputed accounts  
21       pursuant to 15 U.S.C. § 1681i.

23      13. Equifax thereafter failed to comply with its obligation to provide Plaintiff  
24       with the results of any "reinvestigation" completed pursuant to 15 U.S.C. §  
25       1681i(a)(6) relating to the Dispute Letter. Indeed, Equifax simply never  
26       responded to the Dispute Letter.

14. As a result of Equifax's failure to provide a consumer disclosure, Equifax negligently failed in its duties as required by and in violation of 15 U.S.C. § 1681i(a)(6).

15. Further, Equifax willfully failed in its duties as required by and in violation of 15 U.S.C. § 1681i(a) when Equifax failed to provide written notice to Plaintiff of the results of a reinvestigation not later than 5 business days after the completion of the reinvestigation (assuming an investigation was completed), by mail or, if authorized by the consumer for that purpose, by other means available to the agency. Indeed, Equifax failed to provide Plaintiff any evidence of any investigation it conducted into the disputes raised in the Dispute Letter, thereby shirking Equifax's duties under the FCRA.

**FIRST CAUSE OF ACTION**  
**VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
**15 U.S.C. § 1681 *et seq.* (FCRA)**

16. Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

17. Defendant failed to conduct a reasonable investigation as required by 15 U.S.C. § 1681i(a), and failed to correct inaccurate information in connection with Plaintiff's credit reports.

1 18. Defendant failed to review all relevant information provided by Plaintiff in  
2 the Dispute Letter, as required by and in violation of 15 U.S.C. § 1681i(a).

3 19. Upon receipt of Plaintiff's dispute, Defendant failed to conduct an  
4 investigation with respect to the disputed information as required by 15 U.S.C.  
5 § 1681i(a).

6 20. Despite Plaintiff's efforts to correct Defendant's erroneous and negative  
7 reporting in writing, Defendant neglected, refused, or failed to do so.

8 21. Defendant's failure to correct its inaccurate and negative reporting in light of  
9 its knowledge of the actual error was willful. Plaintiff is, accordingly, eligible  
10 for statutory damages.

11 22. Also as a result of Defendant's continued inaccurate and negative reporting,  
12 Plaintiff has suffered actual damages, including without limitation fear of  
13 credit denials, out-of-pocket expenses in challenging Defendant's wrongful  
14 representations, damage to his creditworthiness, and emotional distress.

15 23. The foregoing acts and omissions constitute numerous and multiple willful,  
16 reckless or negligent violations of the FCRA, including but not limited to each  
17 and every one of the above-cited provisions of the FCRA, 15 U.S.C. § 1681.

18 24. As a result of each and every willful violation of the FCRA, Plaintiff is  
19 entitled to actual damages as the Court may allow pursuant to 15 U.S.C. §  
20 1681n(a)(1); statutory damages pursuant to 15 U.S.C. § 1681n(a)(1); punitive  
21

22

23

24

25

26

27

28

1 damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(2); and  
2 reasonable attorney's fees and costs pursuant to 15 U.S.C. § 1681n(a)(3) from  
3 Defendant.

4  
5 25. As a result of each and every negligent noncompliance of the FCRA, Plaintiff  
6 is entitled to actual damages as the Court may allow pursuant to 15 U.S.C. §  
7 1681o(a)(1); and reasonable attorney's fees and costs pursuant to 15 U.S.C. §  
8 1681o(a)(2) from Defendant.

9  
10 **PRAYER FOR RELIEF**

11 Plaintiff respectfully requests the Court grant Plaintiff the following relief  
12 against Defendant:

13  
14 **FIRST CAUSE OF ACTION**  
15 **VIOLATION OF THE FAIR CREDIT REPORTING ACT**  
16 **15 U.S.C. § 1681 ET SEQ. (FCRA)**

17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

- actual damages pursuant to 15 U.S.C. § 1681n(a)(1);
- statutory damages pursuant to 15 U.S.C. § 1681n(a)(1);
- punitive damages as the Court may allow pursuant to 15 U.S.C. § 1681n(a)(2);
- costs of litigation and reasonable attorney's fees, pursuant to 15 U.S.C. § 1681n(a)(3), and 15 U.S.C. § 1681(o)(a)(1) against Defendant for each incident of negligent noncompliance of the FCRA; and
- any other relief the Court may deem just and proper.

## TRIAL BY JURY

26. Pursuant to the Seventh Amendment to the Constitution of the United States of America, Plaintiff is entitled to, and demands, a trial by jury.

Dated: November 19, 2020

Respectfully submitted,

By /s/ David Krieger, Esq.  
David Krieger, Esq.  
Nevada Bar No. 9086  
Shawn Miller, Esq.  
Nevada Bar No. 7825  
KRIEGER LAW GROUP, LLC  
2850 W. Horizon Ridge Parkway  
Suite 200  
Henderson, Nevada 89052  
Phone: (702) 848-3855  
Email: dkrieger@kriegerlawgroup.com  
Email: smiller@kriegerlawgroup.com